

REMARKSRejection under 35 USC §101

The objection to claim 19 is submitted to be moot in view of the cancellation of this claim. New claims 24 and 25, which are somewhat similar to cancelled claim 19, are cast as method claims, which are submitted to be a statutory class of invention.

Rejection under 35 USC §112

Regarding the objection to cancelled claim 19, the Applicant submits that new claims 24 and 25, which are somewhat similar to cancelled claim 19, limit the number of compounds to a reasonable number. Particularly with respect to claim 25, which depends on claim 23 which recites specific compounds, the Applicant advises that all of the recited compounds in claim 23 have been screened against 60 cancer lines and that *in vitro* cytotoxicity data is available. Further, *in vivo* efficacy data is available with respect to tests conducted with compounds 0058, 0059, 0068 and BLI-081. Such data suggests that a person skilled in the art could make or use the invention in a manner commensurate in scope with the claims.

The objection to claim 20 is submitted to be moot in view of the cancellation of this claim. New claim 26, which is somewhat similar to cancelled claim 20, does not include the impugned phrase “in association with”.

Rejection under 35 USC §103

New claims 22-26 are submitted to be patentable over Webster et al. (99/12543) and Godfrey (2,173,499). In particular, the formula of claim 22 has been amended to limit the X and Y substituents to unsaturated groups to distinguish Webster et al. and Godfrey. The species set out in claim 23 have been limited to compounds falling within the formula of claim 22. Claims 24-26 recite compounds recited in claims 22 or 23.

Serial No. 10/509074

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The application is submitted to be in condition for allowance, which is respectfully requested.

Respectfully submitted,

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